

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 AMADO AMANDO BADILLO,

8 Plaintiff,

9 v.

10 YAKIMA POLICE DEPARTMENT
and OFFICER SUTTON,

11 Defendants.

NO: 1:17-CV-3060-RMP

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITH
PREJUDICE

12 **1915(g)**

13
14 Magistrate Judge John T. Rodgers filed a Report and Recommendation on
15 September 20, 2017, recommending that this Court dismiss Plaintiff's civil rights
16 action for failure to amend his complaint to cure its deficiencies during the window
17 of opportunity afforded him. ECF No. 12. Objections to the Report and
18 Recommendation were due on or before October 4, 2017.

19 There being no objections filed, the Court **adopts** the Report and
20 Recommendation. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's
21

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT WITH PREJUDICE ~ 1

1 Complaint, **ECF No. 7**, is **DISMISSED with prejudice** under 28 U.S.C. §§
2 1915(e)(2) and 1915A(b)(1).

3 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
4 brings three or more civil actions or appeals which are dismissed as frivolous or for
5 failure to state a claim will be precluded from bringing any other civil action or
6 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious
7 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**
8 **provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint**
9 **may count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and**
10 **may adversely affect his ability to file future claims.**

11 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
12 Order, enter Judgment for Defendants, forward copies to Plaintiff at his last known
13 address, and **CLOSE** the file. The Clerk of Court is further directed to forward a
14 copy of this Order to the Office of the Attorney General of Washington, Corrections
15 Division. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of
16 this Order would not be taken in good faith and would lack any arguable basis in law
17 or fact.

18 **DATED** October 12, 2017.

19
20 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
21 United States District Judge